IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Tr.P(C).No. 160 of 2007()

OS.520/2006 of PRL.M.C., KOTTAYAM
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PETITIONERS/DEFENDANTS 1,2 AND 4
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1. FR. K.T.JAMES, AGED 62,
S/O FR. IPE THOMAS, RESIDING AT
KANDAMUNDARIL HOUSE, PULIKUTTISSERY P.O.,
AYMANAM, KOTTAYAM DISTRICT.

2. FR.KOSHY EZHARAPPARA, AGED 45,
RESIDING AT EZHARAPPARA HOUSE,
IRATTUNADA, MANARCAD P.O., KOTTAYAM DISTRICT.

3. JACOB KURIAN, AGED 55, S/O KURIAN,
RESIDING AT KALLUMKATHARA HOUSE,
AYMANAM P.O., AYAMANAM VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SMT.K.N.VIGY

RESPONDENTS: PLAINTIFFS AND DEFENDANTS 3 AND 5
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1. FR. K.M.ZACHARIAH, AGED 45,
SON OF MATHEW, RESIDING AT KOODATHINKAL HOUSE,
PARIYARAM P.O., PUTHUPALLY VILLAGE, KOTTAYAM.

2. P.K.THOMAS, AGED 60, RESIDING AT
PULIMOOTTIL HOUSE, VILLOONNI P.O.,
ARPOOKARA VILLAGE, KOTTAYAM DISTRICT.

3. P.K.MARKOSE, AGED 70, RESIDING AT
PULIMOOTTIL HOUSE, VILLOONNI P.O.,
ARPOOKARA VILLAGE, KOTTAYAM DISTRICT.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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Tr.P.C. NO. 160 OF 2007

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Dated this the 19th day of July, 2007.

J U D G M E N T

This Transfer Petition is filed to transfer O.S.520/06 pending before the Munsiff's Court, Kottayam to the Additional District Court, Ernakulam. It is on the basis of an order issued by the Government long back in the year 1976. It had a life of one year, but it was extended and thereafter now I think the very purpose is also served. So far as these types of cases are concerned though it relates to the church management there cannot be common disposal of cases and each suit varies from facts to facts and therefore it is not necessary that all the cases should be tried by one and the same Court. The learned counsel has brought to my notice a decision of this Court reported in CMC 94/99. It has to be stated, thereafter the matter challenged has been disposed of by the Apex Court and the common issue which may arise in all cases has been settled by the decision of the Supreme Court. Therefore, circumstances do not exist to transfer the case as requested for. Therefore, the Tr.P.C. is dismissed.

M.N. KRISHNAN, JUDGE.

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